

The following represents an opinion written by Andrée DuVarney, Environmental Specialist, Ecological Sciences Division, NRCS, NHQ, Washington, DC:

When Federal funds are used to establish an RC&D Area, NEPA is triggered. However, the action is categorically excluded from the requirement to prepare environmental assessments or environmental impact statements by Departmental regulations found at 7 CFR Part 1b. Establishment of an RC&D area falls under two categorical exclusions:

Policy development, planning and implementation which relate to routine activities such as personnel, organizational changes or similar administrative functions (7 CFR Part 1b.3(a)(1)); and

Activities which deal solely with the funding of programs such as program budget proposals, disbursements and transfer or reprogramming of funds (7 CFR Part 1b.3(a)(2)).

When NRCS provides personnel in the form of an RC&D Coordinator and that person provides advice and guidance, this is also categorically excluded from NEPA by Departmental regulations. (7 CFR 1b.3(6)). When NRCS provides financial assistance for project implementation, NRCS has NEPA responsibilities because whenever Federal funds are used for project implementation, the Federal agency providing the funding has NEPA responsibilities. The RC&D Council, however, does not have NEPA responsibilities because it is neither a Federal agency nor a source of federal funds.